

INITIAL STATEMENT OF REASONS

Napa County Rules 2004

[January 16, 2004]

Title 14 of the California Code of Regulations (14 CCR):

Adopt:

<u>§ 946</u>	<u>Napa County Rules [Napa County]</u>
<u>§ 946.1</u>	<u>Definitions [Napa County]</u>
<u>§ 946.2</u>	<u>Assessment Areas [Napa County]</u>
<u>§ 946.3</u>	<u>Special Harvesting Practices [Napa County]</u>
<u>§ 946.4</u>	<u>Retention Standards and Re-Entry Periods [Napa County]</u>
<u>§ 946.5</u>	<u>Log Hauling [Napa County]</u>
<u>§ 946.6</u>	<u>Flagging [Napa County]</u>
<u>§ 946.7</u>	<u>Soil: Timber Operation and Road Construction Debris Deposition [Napa County]</u>
<u>§ 946.8</u>	<u>Performance Bonding [Napa County]</u>
<u>§ 946.9</u>	<u>Hours of Operation [Napa County]</u>
<u>§ 946.10</u>	<u>Tractor Yarding [Napa County]</u>
<u>§ 946.11</u>	<u>Watercourse Mapping [Napa County]</u>
<u>§ 946.12</u>	<u>Domestic Water Supply Protection: Equipment Limitation Zones [Napa County]</u>
<u>§ 946.13</u>	<u>Reduction of Soil Loss [Napa County]</u>
<u>§ 946.14</u>	<u>Domestic Water Supply Protection [Napa County]</u>
<u>§ 946.15</u>	<u>Biotic Resources [Napa County]</u>
<u>§ 946.16</u>	<u>Road Construction [Napa County]</u>
<u>§ 946.17</u>	<u>Design of Drainage Structures and Watercourse Crossings [Napa County]</u>
<u>§ 946.18</u>	<u>Maintenance Period [Napa County]</u>
<u>§ 946.19</u>	<u>Domestic Water Supply Protection: Road Maintenance [Napa County]</u>
<u>§ 946.20</u>	<u>Plan Submittal and Notice of Intent [Napa County]</u>
<u>§ 946.21</u>	<u>Domestic Water Protection: Request for Information [Napa County]</u>
<u>§ 946.22</u>	<u>Contents of Plan: Plan Area Description [Napa County]</u>
<u>§ 946.23</u>	<u>Contents of Plan: Mapping Requirements [Napa County]</u>
<u>§ 946.24</u>	<u>Registered Professional Forester Responsibility [Napa County]</u>
<u>§ 946.25</u>	<u>Notice of Filing: Distribution [Napa County]</u>
<u>§ 946.26</u>	<u>Review Teams to be Established [Napa County]</u>
<u>§ 946.27</u>	<u>Review Period Waiver [Napa County]</u>
<u>§ 946.28</u>	<u>Exemption Form: Mapping Requirements [Napa County]</u>
<u>§ 946.29</u>	<u>Emergency Notice: Mapping [Napa County]</u>

<u>§ 946.30</u>	<u>Emergency Notice: Waiting Period [Napa County]</u>
<u>§ 946.31</u>	<u>Conversion Exemptions: Distribution of Notice of</u> <u>Conversion Exemption [Napa County]</u>
<u>§ 946.32</u>	<u>Conversion Exemptions: Mapping Requirements [Napa</u> <u>County]</u>
<u>§ 946.33</u>	<u>Conversion Exemptions: Project Description [Napa</u> <u>County]</u>

These proposed changes to the Forest Practice Rules are in response to a recommendation from Napa County, pursuant to Public Resources Code (PRC) Section 4516.5, for local rules addressing the contents of Timber Harvesting Plans (THP, “plan”), Timberland Conversion Permits (TCP), conversion permit exemptions, and emergency timber harvesting operations and for the conduct of timber operations permitted by these plans.

The Z'Berg-Nejedly Forest Practice Act of 1973 (FPA), Section 4516.5, provides the opportunity for California counties to apply for additional rules and regulations to the Board of Forestry and Fire Protection (Board) in order to take into account local needs. This section not only establishes the right of counties to apply for special rules but also describes the aspects that can be addressed. Furthermore, subsequent to a county having special rules in place, additional control of the process becomes possible as described in Sections 4516.6 and 4516.8. This control comes in the form of implementation delays to permit county review, the right to appeal to the Board and the right to request additional rules be adopted [ie. that by taking action to request rules be adopted at one time does not preclude the right to request additional rules at later dates].

As Napa County (County) population continues to grow and dispersal of residential uses and agricultural operations continues its incursion into the County's wildland base, the impacts associated with forestry operations and wildland conversion are having greater influences on the quality of life that makes Napa County unique. Timberland conversions are causing greater and greater controversy in the community.

In response to these concerns, the Napa County Board of Supervisors (BOS) has taken several actions. To ensure that the County has greater control over forestry operations and timberland conversion, the BOS began to explore in August of 2002, adoption of local timber harvest rules as one way to control timberland conversions and forestry operations. Proposed local rules were found by the BOS as adequate to meet the issues enumerated above (and further discussed in this document), and were adopted by the BOS on June 17, 2003. The result was a rule package involving changes to 34 separate rules to be added to the California Forest Practice Rules (FPR) covering timber harvest operations and timberland conversions, which do not currently come under the County's Conservation Regulations. These rules were submitted to the Board on June 19, 2003.

The PRC § 4553 authorizes the Board to review and revise regulations to address needs related to forestry issues. Discussed below, in the *Initial Statement of Reasons (ISOR)*, are the problems that the rule changes are intended to address, as well as the specific

necessity of each of the proposed regulatory actions. Where the ISOR references attachments or other information, this information is available in the complete rulemaking file and available for public inspection upon request to the board staff listed in the *45-Day Notice*.

Finally, pursuant to PRC 4516.5 (b), the Board shall, within 180 days after receiving recommended rules from a county, adopt rules if they are found consistent with the recommended rules and if the Board finds the recommended rules are both of the following:

1. Consistent with the intent and purpose of the Forest Practice Act.
2. Necessary to protect needs and conditions of the county.

PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS

Several elements associated with Napa County's natural resource base and socioeconomic condition were identified and determined unique to the County and the associated lifestyle these elements afford. These conditions, and their sensitivity to the types of impacts normally associated with forestry-related operations and uses subsequent to timberland conversions, provide the basis for the condition or circumstance the regulation is intended to address. These conditions (addressed as issues) are described below:

- How can we protect the municipal water supply facilities and functioning;
- How do we address potential impacts on the rural residential population; and
- How do we address maintaining high levels of scenic and ambiance levels in support of the tourism industry

These three issues are further defined and framed into five objectives. It is these objectives for which proposed local rules are intended to address. These objectives are used by reference for the **Necessity** portion for each individual rule in the ISOR.

Objective 1. Protection of Napa County's Public Drinking Water Supply Facilities

Approximately 70 percent of the domestic water supply for Napa County residents comes from 5 facilities located in watersheds where forestry, and/or conversion activities commonly occur. These Domestic Water Supply Watersheds (DWSW) cover a total of approximately 46,000 thousand acres (Napa County Drainage Layer, as depicted in the Napa County GIS, 2003) and are characterized by combinations of natural resource conditions and land uses that make consideration of protecting the functioning of the municipal water supply facility an important issue. Providing clean and safe drinking water to residents at fair costs (i.e. increased costs associated with facility shut downs and additional water purification due to increased sedimentation and high levels of turbidity) is extremely important.

There are several principal natural resource and land use elements to consider in determining the justification for the proposed rules. These elements directly contribute to actual and potential soil erosion and sediment delivery to the facilities and/or pollution of the waters entering the DWSWs and listed below:

Natural resource conditions

- topography
- predominate soil types
- variations in vegetation types
- rainfall patterns and intensities
- watershed topography and hydrologic regime
- road impacts and watershed sensitivities

Land use practices:

- percentage of the watershed in lands appropriate for forestry operations
- actual and percentage of acreage of timber harvest operations conducted
- actual and percentage of lands that are in agriculture
- actual and percentage of forest lands that have been converted to other land uses

Detailed discussion of these elements follows:

Natural Resource Conditions

Watershed Topography: The DWSW flank the eastern side of the basin containing the Napa River. Of the DWSW total of approximately 46,000 acres approximately 16 % are in the 0 - 30 % slope class, approximately 35% in the 30 - 50% class and the remaining 49% is in the over 50% class. With the predominance of slopes in the 30% and above class, rainfall runoff increases and soils, regardless of erosion resistance, are more susceptible to erosion.

Soils Types: Research has indicated that soils in the four watersheds erosion potentials that are generally high to very high (SCS, 1978). These indications result from the combination of the soils' physical characteristics and the slopes on which they are found. The percentages of the soil erosion potential are shown in the Table 1 below.

Table 1. Acres and percentages, by individual category and cumulatively, for soil erosion potential categories in the four municipal water supply watersheds

Erosion Potential	Category Acres	Category %	<i>Cumulative Acres</i>	<i>Cumulative %</i>
Very low	8	0%	8	0%
Slight	5,060	11%	5,068	11%
Slight - Moderate	2,131	5%	7,199	16%
Moderate	3,358	8%	10,557	24%
Moderate – High	12,711	28%	23,268	52%
High	7,857	18%	31,125	70%
High - Very High	10,708	24%	41,833	94%
Very High	2,483	6%	44,316	99%
Very High – Severe	0	0%	44,316	99%
Severe	406	1%	44722	100%

Vegetation Types: At the present time approximately 5,196 acres (12%) of the total land surface of these four DWSWs are occupied by vegetation types in which ongoing conifer-based forestry operations take place (timberlands). An additional 5,695 acres are occupied by an oak-conifer mix that has the potential to support less intensive forestry operations (UCD ICE, Version .81 1993). This brings the total acreage on which forestry operations are feasible to 10,891, or approximately 24% of the four DWSW total.

Rainfall Patterns and Intensities: In general the rainfall patterns in the DWSWs can be characterized as being highly variable in amounts from year to year and experiencing very high intensity periods of rainfall. In these watersheds the average rainfall ranges from 35 to 55 inches per year with 2-year/6-hour intensities ranging from .22" to .28" and 100-year/24-hour intensities ranging from 1.1" to 1.3" (USDOC, NOAA, 1972).

Watershed Topography and Hydrologic Regime: The DWSWs are generally characterized by relatively short-length and steep watercourses given the relatively high rise in elevation from the base of the reservoir to the highest point of the watershed boundaries. This is indicated by the predominance of acreage in each of the higher slope classifications described in the section on Watershed Topography. Watersheds that are characterized by a predominance of higher slopes tend to be "flashy", (i.e. having peak flows with a relatively short duration but high volumes). These conditions can result in higher deliveries of sediment to the municipal facilities if soil instabilities are not properly mitigated within the watershed.

Road Impacts and Watershed Sensitivities: Napa County is characterized by a relatively high density of rural roads due to the patterns of dispersal of rural residential uses and agriculture. These roads can increase the sensitivity of the

watersheds to disturbances as shown by the results of CDF's Hillslope Monitoring Study. One conclusion of this study is that roads and associated watercourse crossings can be a source of significant amounts of sediment delivery to the watercourse system and, in terms of protection of the municipal supply facilities, they must be considered when assessing impacts and associated mitigation.

Land Use Considerations

Percentage of the watershed in lands appropriate for forestry operations:

As previously mentioned approximately 24% of the total watershed area is appropriate, in terms of vegetation cover, for ongoing forestry operations in varying intensities. This includes some lands (about half) with oak woodlands with predominant species that are on the B list contained with 14 CCR 895.1 but with very low levels of A list species that might not support sustainable commercial forestry operations. When adding in the acreage of this oak woodland type, the total acreage at least partially suitable for ongoing forestry operations within the four domestic water supply watersheds comes to 10,891, or approximately 24%.

Acreage of forest operations conducted within the watersheds: Over the last 10 years forestry operations have been conducted on an annual average of approximately 150 acres per year within the four DWSWs. It is conceivable that this level of operation will continue on into the foreseeable future. Of this total an average annual conversion area (including conversions under TCP applications and Less Than Three Acre Exemptions) has historically been approximately 75 - 85 acres.

Actual and percentage of lands that are in agriculture: At the present time 3,582 acres, equal to 8% of the four DWSWs, is devoted to intensive agricultural uses. These are uses where annual soil surface disturbance of some sort is part of the management practice.

Actual and percentage of forest lands that have been converted to other land uses: Based on County records, since 1990 the DWSWs have had approximately 715 acres (1.5%) of timberland within the DWSW's (\pm 46,000 acres) converted to non-timberland uses. Approximately, 365 of these total acres have occurred since 2000 representing a significant rise in rate of these conversions.

A primary concern over the increase rate of conversions is the potentially significant impacts to domestic water quality associated with conversions. While County ordinances are in place to mitigate effects of conversions, situation have occurred where significant impacts have resulted due conversion of timberlands (see article in Napa Valley Register, 2003). To

better protect sensitive domestic water supply reservoirs and provide procedures for enhanced inspection and oversight of erosion control plans, the Napa County Board of Supervisor's adopted Ordinance #1219 (Domestic Water Supplies Protection Ordinance).

Objective 1 Conclusion: Heightened Need for Additional Information Regarding Resources Affecting the Functioning of Municipal Water Supply Facilities

A major conclusion that can be taken from an evaluation of the above information is that the combination of naturally occurring conditions and management actions that could possibly adversely impact the functioning of the municipal water supply facilities can take place on a significant portion of the watersheds. The weather patterns, watershed topographic and hydrographic characteristics and levels of soils erosion potentials can combine to deliver significant amounts of sediment to the watercourse system, and ultimately into the supply facility. This natural sensitivity is can be exacerbated by elevated levels of site disturbance associated with timber-related and intensive agricultural operations and underlines the need to considered project impacts and mitigating actions.

The rules proposed in this package, designed to meet Objective 1, attempt to increase the level of consideration of the need to protect the functioning of these vital municipal water supply facilities. The proposed rules relative to Objective 1 are achieved by:

- 1) providing more information about the nature of the spatial relationship between the operation and the facility, and
- 2) increasing protection of the resource base by expanding the use of practices already defined in the existing body of FPRs.

Objective 2. Protection of Napa County's Scenic Resources

Two major elements of the economic viability of Napa County are agriculture and tourism. Approximately \$380 million dollars a year is generated from the County's agricultural industry. Approximately 4.9 million tourists visit the County each year, spending approximately \$720 Million dollars a year. The tourism industry supports 10,000 jobs and represents 20% of the County's work force (Napa Valley Conference and Visitor Bureau, 2003). Napa County is truly unique in that the two economic commodities are completely inter-related. The principal agricultural endeavor is the growing of wine grapes and subsequent production of wine and visitors to Napa come primarily to see the sweeping vistas of grape vine covered hills, visit the historic attractions, relax at health spas and partake in the cuisine and the vintners' products at the many restaurants and bistros offered by the County. Napa County is characterized by a pleasing visual mosaic of wildlands, scenic agricultural endeavors, historic and current architectural attractions and historic urban centers. The maintenance of this mosaic is

extremely important in the maintaining and enhancing the economic viability of Napa County and its residents.

Napa County has already been proactive with respect to conserving these values. A comprehensive viewshed protection ordinance has been implemented [Chapter 18.106, Napa County Code] and subsequent to this ordinance 24 roads within the County have been identified as Designated Roads as they pass through lands having notable scenic value.

Some of the results of timber and timber-related operations can have adverse effects on visitors' experience, safety and visual satisfaction. As the Designated Roads are those which carry the bulk of visitor traffic, their presence and significance as a valued resource has been used as the condition in the proposed rules. When these Roads, and the visitors they carry, are present, the proposed rules pose additional information requirements and expanded considerations of impacts.

Objective 3. Provide Greater Operational Control Over Timber Harvesting Activities that have the Potential to Impact Public Health, Safety and Welfare

As discussed in the previous objectives, protection of the water, scenic resources and the experience of tourists are underlying themes and certainly fit into this category as well. Another aspect, not yet discussed is the level of population dispersal into rural settings that typifies Napa County. At the present time Napa County's rural residential population density is approximately 33 persons per square mile (640 acres). At an average family size of 3.16 persons (U.S. Bureau of the Census, Census 2000) this means that there are about ten families in every 640 acres. These families travel the local roads for many reasons including to shop for necessities, attend social events, and school their children. They live in the rural environment to pursue their various professions but also to enjoy the naturalness and solitude afforded by the lifestyle.

The activities associated with logging operations and land uses subsequent to conversion of timberland can often be in conflict with the lifestyle of these rural-residential families. These operations produce levels of noise and dust that can impinge on home life, traffic types and volumes that can pose hazards on the roadways and visual results that can be displeasing to some individuals. Given the density characterizing Napa County's rural residential population, the chance that these conflicting activities will occur in the same area are high and minimizing the negative impacts are important.

On the other hand both logging and agriculture are vital elements of Napa County's character and the right to log and farm must be made paramount. Given this importance, another main purpose of the rules relative to Objective 3 is to have consistent rules for all commercial operations applied to logging and agricultural industries. By adopting the proposed FPRs, the objective of consistency between logging and other commercial agricultural operations will be improved providing equity among users and an overall

improvement to public conflicts from all natural resource based commercial activities (see Objective 5 below).

Twelve rules (see Section 3, Napa County Proposed Local Forest Practice Rules, and June 2003) have been recommended to deal with the potentially adverse effects of logging and subsequent conversions without precluding or substantially restricting logging. A core theme of a subset of these proposed rules is to make available a greater amount of information about the location of uses associated with the timber operations, thus aiding the possibility of actively working toward mitigation of their potential adverse impacts.

Objective 4. Increase County and Local Participation in Review of Timber Harvest Plans

As it is the intent of Section 4516.5 of the FPA to allow counties to exert a measure of local control through the use of local FPRs, it is logical to conclude that one way to do this is to increase County participation in the decision-making process. At the present time the principal land and resource stewards having purview over the resources subject to the proposed local FPRs are the various local water purveying agencies and the Napa County Conservation, Development & Planning Department. In order for these entities to properly participate in the decision-making process they need to have the (1) information necessary to make an informed decision, (2) ability to input knowledge of local conditions into the process, (3) respond to decisions taken during the process and (4) plan their own actions accordingly. A general increase in communication from and to these local entities is a primary objective of 13 of the rule language changes proposed. In addition public participation in the process is proposed for enhancement.

Objective 5. Bring State Rules into Closer Conformance with Local Regulations Covering All Other Forms of Ground Disturbing Activities in Napa County

As a result of the types of agricultural and rural residential uses present and the high levels of public participation in the land use process, Napa County has over the last 30 years created and implemented (in line with the provisions of its adopted General Plan) several sets of environmental regulations reflecting the unique character of the County. These include a Watercourse/Riparian Cover Protection Ordinance in the late 60s, a Timber Harvest Ordinance in 1973, a Floodplain Management Ordinance in the 80s, a Conservation Ordinance in 1991, and most recently a Stream Setback Revision Ordinance in 2003.

Contained within these proposed regulations are existing standards for levels of supporting information to be included in applications for THP, TCP, THP exemptions, conversion permit exemptions, and emergency timber harvesting operations and a set of protective conditions to be implemented when the activities are permitted. In addition, over the last 30 years County ordinances have developed a set of standard conditions which are applied to all projects. For the purposes of consistency, which will directly

benefit all parties to the THP/TCP process, standards from both these sources have been recommended for implementation.

ALTERNATIVES TO THE REGULATION CONSIDERED BY THE BOARD AND THE BOARD'S REASONS FOR REJECTING THOSE ALTERNATIVES

The alternatives considered for examination are limited to those that would avoid or substantially lessen potentially significant effects while accomplishing the objectives and goals set forth in Napa County's rule package proposal. Alternatives have been considered by Napa County and presented to the Board include the following:

Use and Amendment of Local County Ordinances (Ordinance amendments #1203 and #1219)

In late April of 2002, the Napa County Board of Supervisors (BOS) commenced, in response to citizens concerns, discussion of the timber harvest and timberland conversion activities taking place within the county.

The BOS was informed by County Counsel that Subsections 18.108.050 I & J of the Napa County Code (Conservation Regulations) precluded the County from exercising any control over timberland conversions. After extensive BOS discussion and considerable public comment the BOS took five (5) actions to deal with future timberland conversions. One action involved sending a letter to the State Department of Forestry and Fire Protection (Board) requesting that they condition all future timberland conversion permits on the approval by Napa County of an erosion control plan. The second was to refer to the Planning Commission an ordinance amendment (Ord. #1203) that eliminated the exemption for timberland conversion permits authorized by State Timberland Conversion Permit regulations. In addition, the ordinance made three additional changes to the Conservation Regulations. It clarified that the exemption did not apply to Less than Three acre Conversion Exemptions pursuant to 14 CCR § 1104 of the Forest Practice Rules and clarified the extent of the County's jurisdiction in regards to projects other than timberland conversions, a portion of which is authorized by a state or federal permit. On July 16, 2002, the Board of Supervisors adopted the ordinance amendment (Ord. #1203) eliminating the exemption. The BOS felt these actions together would give the County in the short-term sufficient control over timberland conversions.

In addition, the BOS asked the Planning Department to look into the creation and application of a zoning district, such as a Forest Protection Overlay District, that would protect the core forest lands in Napa County from conversion to alternative land uses. (This alternative is discussed below). Further, as a long-term solution the BOS asked the Planning Department to explore having the Board adopt local rules as part of the FPRs to control timber conversion activities in Napa County.

On March 18, 2003, after an estimated 2,000 cubic yards of soil slid into one of the Friesen Lakes (water supply for Angwin), the BOS adopted Ordinance #1219 (Domestic Water Supplies Protection Ordinance), modifying certain Sections of Chapter 18.108 to better protect sensitive domestic water supply reservoirs and provide procedures for enhanced inspection and oversight of erosion control plans.

Timber Production Zoning (TPZ)

A TPZ is a 10-year restriction (renewable) on the use of land. Land with this zoning is restricted to growing and harvesting timber, and other compatible uses.

Government Code Section 51112 required the Board of Supervisors by ordinance, on or before March 1, 1977, to zone as timberland production certain lands that had been designated by the assessor after advice from the Planning Commission. There does not appear to be any language in the statutory scheme that enables the County to impose a TPZ designation of property after March 1, 1977. Given the lack of a statutory scheme, TPZ was not considered a viable alternative to Local County Rules. However, an individual property owner is not precluded from petitioning the Board to have its land designated TPZ if it meets the specified criteria.

Use of Threatened and Impaired Values Rules (14 CCR § 916.9, Protection and Restoration in Watersheds with Threatened or Impaired Values)

Based on widespread erosion and concerns regarding adverse impacts to fisheries habitat the San Francisco Regional Water Board listed the Napa River and its tributaries in 1990 as impaired by sediment under Section 303 (d) of the federal Clean Water Act. To address this listing the Board adopted 14 CCR § 916.9, Protection and Restoration in Watersheds with Threatened or Impaired Values (T&I). Amended by these rules was Section 14 CCR § 895.1 *Definitions* of the FPRs states "watersheds with threatened or impaired (T&I) values means any planning watershed where populations of anadromous salmonids that are listed as threatened, endangered, or candidate under the State or Federal Endangered Species Act with their implementing regulations, are currently present or can be restored". The T & I rules were considered to meet the needs of some of the Napa County objectives, however, the T & I rules do not apply in situations where timber operations are located within the Domestic Water Supply Watersheds given the lack of anadromous salmonid populations due to the physical barrier. The reservoirs/dams serve as a physical barrier to any fish migration and passage, thereby excluding all the County's Domestic Water Supply Reservoirs and associated waterways from the benefit of T & I rules. Additionally the T & I rules do not address other non watershed sensitive resource issues in Napa County, such as the concerns for visual impacts near Designated Scenic Roads.

POSSIBLE SIGNIFICANT ADVERSE ENVIRONMENTAL EFFECTS AND MITIGATIONS

The Board has not identified any adverse environmental effects as a result of the proposed Local County Rules for Napa County. These rules are expressly developed to improve protection of resources during timber harvesting and timberland conversion in addition to the existing FPRs.

Any project proposing to utilize the methods allowed under this rulemaking action would be required to adhere to all other existing FPRs and the Forest Practice Act. The

provisions of the rules must be followed by Registered Professional Foresters (RPFs) in preparing Timber Harvesting Plans, and by the Director in reviewing such plans to achieve the policies described in Sections 4512, 4513, of the Act, 21000, 21001, and 21002 of the Public Resources Code (PRC), and Sections 51101, 51102 and 51115.1 of the Government Code. Pursuant to 14 CCR sec. 896, no THP shall be approved which fails to adopt feasible mitigation measures or alternatives from the range of measures set out or provided for in the rules which would substantially lessen or avoid significant adverse impacts which the activity may have on the environment. The THP process substitutes for the EIR process under California Environmental Quality Act (CEQA) because the timber harvesting regulatory program has been certified pursuant to PRC Section 21080.5 and therefore receives a multidisciplinary review to ensure protection of resources and conformance with all applicable laws and regulations.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

(also see EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS prepared for each proposed rule)

The costs associated with the individual rules in this package must be considered within a broader context of the true net costs to the applicant, reviewing agencies and CDF (as the lead agency responsible for enforcement). The net costs defined in this context are as follows:

- 1) the initial costs associated with complying with the specific rules as described for each individual rule proposed in the Napa County rule package,
- 2) the cost savings associated with streamlined review process due the effectiveness of the rule intent and the use of the Napa County information package, and the use of the same information to fulfill requirements of 14 CCR rules outside of the proposed Napa County Rules package.

Initial Costs: The principal costs of compliance with the rules in the proposed Napa County rule package are specific to the entities which are a party to the THP and TCP process.

Applicant

- ☐ additional time required for research and document preparation
- ☐ costs associated with additional field time in preparation for PHIs
- ☐ costs associated with retention of RPF throughout the process

LTO

- ☐ costs associated with inefficiencies in equipment movement
- ☐ costs from bonding requirements (up-front and short-term)

Reviewing Agencies

- ☐ costs associated with greater volume and detail of information to review
- ☐ costs associated with potentially longer field inspection visits

CDF

- ❑ costs associated with greater volume and detail of information to review
- ❑ costs associated with potentially longer field inspection visits

These costs are almost entirely in the area of labor commitments and can be estimated on an hourly basis (Table 2). The bonding costs and overhead are an exception and can be better estimated.

Table 2. Estimated costs to Applicants and LTO due to implementing County rules*

Rule #	Cost		# of plans per year	Annual Cost	Years	Lifetime Cost
946.2 Assessment Areas	\$400	per plan	5	\$2,000	10	\$20,000
946.3 Special Harvesting Practices	\$400	per plan	5	\$2,000	10	\$20,000
946.6 Flagging of Property Lines	\$100	per plan	5	\$500	10	\$5,000
946.7 Soil: Timber Operation and Road Construction Debris Deposition	\$300	per plan	5	\$1,500	10	\$15,000
946.10 Tractor Yarding	\$500	per plan	5	\$2,500	10	\$25,000
946.11 Watercourse Mapping	\$1,600	per plan	5	\$8,000	10	\$80,000
946.12 Domestic Water Supply Protection: Equipment Limitation	\$300	per plan	5	\$1,500	10	\$15,000
946.13 Reduction of Soil Loss	\$1,000	per plan	5	\$5,000	10	\$50,000
946.14 Domestic Water Supply Protection	\$300	per plan	5	\$1,500	10	\$15,000
946.16 Road Construction	\$300	per plan	5	\$1,500	10	\$15,000
946.17 Design of Drainage Structures and Watercourse Crossings	\$300	per plan	5	\$1,500	10	\$15,000
946.18 Maintenance Period	\$1,000	per plan	5	\$5,000	10	\$50,000
946.20 Plan Submittal and Notice of Intent	\$800	per plan	5	\$4,000	10	\$40,000
946.21 Domestic Water Protection: Request for Information	\$300	per plan	5	\$1,500	10	\$15,000
946.23 Contents of Plan: Mapping Requirements	\$300	per plan	5	\$1,500	10	\$15,000

946.24 Registered Professional Forester Responsibility	\$3,000	per plan	5	\$15,000	10	\$150,000
946.26 Review Teams to be Established	\$100	per plan	5	\$500	10	\$5,000
Totals	\$11,000	per plan		\$55,000		\$550,000
				annually		Lifetime

Source: Jones and Stokes, 2003

*Assumptions: five THPs per year; each plan contains circumstances requiring all proposed rules.

The estimated annual costs are considered minor in comparison to land values and potential economic returns associated with post-harvest and conversion land uses and associated activities. Furthermore, while an estimate of additional cost is developed for each individual rule, it is often difficult to assign the true cost to an individual rule because often the information acquired in the research period can be used for more than just a single rule requirement. For example, proposed rule 14 CCR § 946.3 requires obtaining information from the information package that will be made available by Napa County. This effort may require 2 hours of preparation time but this 2 hours will not be a recurrent cost each time the information is called for in each rule. The 2 hours of time will be amortized over a multiple of rules within the proposed Napa County rule package, and possible in many more rules within the entire set of FPRs (see discussion below). The general utility of the information package provided by Napa County could drive the cost to near zero for all subsequent rules that require similar information.

Cost savings: Cost savings could be the result of three principal conditions that will be a product of the intent and specific language in the proposed local rules. These conditions are:

- 1) Longer term savings offsetting increased up front cost;

Longer-term savings could result from an overall reduction in the time required for the processing of the THP/TCP applications, and/or in direct savings. An underlying intent of several of the Special Rules is to involve the appropriate array of stakeholders at the earliest possible time. For example, 14 CCR § 946.21 specifies the notification of local water purveyors, and 14 CCR § 946.26 stipulates that a Napa County Planning representative be a part of the review team. By bringing responsible parties in at an early stage, true issues can be identified and dealt with prior to them becoming truly disruptive (i.e. changes required after significant commitment of time and resources) of the process. This aspect is especially true when dealing with the complications encountered in the TCP process associated with integrating Forest Practice Rules and CEQA considerations.

Another example of a proposed local Napa County Rule that could result in direct, and longer-term, savings is 14 CCR § 946.17. This rule identifies “open” watercourse crossing structures, as opposed to the “closed” structure of a culvert. If a rocked ford is the selected structure the actual material and installation costs could be lower than that of a culvert and labor savings would be incurred by minimizing long-term cleaning requirements associated with culverted crossings.

2) Availability of a comprehensive resource information package

The availability of the resource information contained within the package that Napa County will provide could reduce the actual research and document production required of the applicant. The results will be in a format easily convertible into the maps and figures used in the THP/TCP preparation process. This information will be used in those situations specific to the proposed local rules, and could be used for all the other 14 CCR rules requiring similar information.

For example, 14 CCR § § 946.22 and 946.23 require more stringent mapping requirements in terms of both detail of information presented and area addressed. However, this same information from the package would still be available for use in all other sections of the FPRs, such as those sections of 14 CCR § § 1034 (g) and 1034 (x) that are not superseded by the conditions established in the proposed local Napa County Rules. By having a complete set of information in one package there will be significant research time savings and could be significant document production savings.

3) Standardization of products and application

Another underlying intent of the proposed local Napa County Rules is to have as a result documents that include presentation of mapped and quantitative information in a standardized manner. With the trend of increasing participation of responsible agencies significant process efficiencies could be realized with such standardization of information presentation. Furthermore, more precise and standardized map and information presentation could result in time savings during CDF's reviews and enforcement activities.

For example, 14 CCR § 946.33 specifically defines what constitutes "the project description", and, although it exceeds the description of what constitutes a timber operation, it does include information, at the outset, that will be required in the subsequent analysis under the CEQA treatment of the conversion activity. Stipulating this requirement at the outset will avoid the necessity to iteratively produce it while the process is under way.

With these net cost consideration in mind, the costs described for each rule may not be additive, resulting in a much lower total incremental cost due to the applications of these rules.

Other factors also must be considered when evaluating the total cost of these rules. This includes the fact that not all of the proposed rules will be applied to a given operation. Logically, if not all the requirements of the rules are applicable, not all the described costs will be incurred. For example, under 14 CCR § 946.20 Plan Submittal and Notice of Intent, substantial notification requirements are involved when helicopter logging operations are used. However, not all operations will have helicopter logging as the means for harvesting logs. A substantial portion of the notification costs of this rule

would be foregone if an operation does not have helicopter logging. Rational such as this can be applied to several of the rules, resulting in substantially lower cost for some those plans proposed in Napa County.

ALTERNATIVES TO THE PROPOSED REGULATORY ACTION THAT WOULD LESSEN ANY ADVERSE IMPACT ON SMALL BUSINESS

The Board has not identified any alternatives that would lessen any adverse impact on small businesses.

14 CCR § 946

Napa County Rules [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The existing FPRs do not have an opening statement describing the applicability of local Napa County Rules. This rule provides an introductory statement and describes the applicability of the proposed rules, in accordance with PRC Section 4516.5.

NECESSITY

The proposed rule language is necessary for establishing the context for the proposed local Napa County Rules as they apply to the content of THPs and other permits where timber operations are conducted to take into account the local needs the County.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are not direct costs associated with adding a statement of the applicability of the proposed local county.

14 CCR § 946.1

Definitions [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The present FPRs do not have definitions for identifying specific aesthetic, water quality, and watershed resources important and unique to Napa County that apply to the subsequent proposed rule.

NECESSITY

The proposed definitions are necessary because they are not currently defined within the FPRs and the interpretation, and subsequent implementation, of the proposed rules rely upon these definitions. The proposed definitions parallel those adopted and applied in the current Napa County Code and General Plan, including but not limited to both the

application of Designated Scenic Roads and Winter Period.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are not direct costs associated with adding definitions to provide clarity and consistency the proposed rules.

14 CCR § 946.2

Assessment Areas [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The proposed rule would modify the size of the assessment area used in evaluation of specific resources in sensitive areas in Napa County (i.e. within DWSWs, near Designated Scenic Roads (DSRs), at the rural residential/wildland interface, etc.). These assessment areas are specific to each resource so as to provide a more accurate and comprehensive evaluation of impact within these sensitive areas.

Under subsection (a), the County proposes a watershed assessment area of any Napa County Drainage containing the proposed project and any other Napa County Drainages that comprise the remainder of the DWSW in which the project is sited.

Under subsection (b), the County proposes soil productivity be evaluated for the Napa County Drainage containing the proposed project.

Under subsection (c), the County proposes biological assessment area be considered at the DWSW size, unless larger areas are needed based on species type, range, mobility or established survey protocols [subsection (C) (1), (2), (3), (4)].

Under subsection (d), the County proposes a recreation assessment area of one mile from the geographic enter of the project area.

Under subsection (e), the County proposes a viewshed assessment area defined by public roads carrying significant numbers of members of the public and any DSRs.

Under subsection (f), the County proposes a traffic impact assessment area of all private and public roads that will carry project traffic to the point where project-related traffic has been significantly diluted.

Under subsection (g), the County proposes a noise assessment area within 6/10 of a mile of the boundary of the proposed project.

Under subsection (h), the County proposes a minimum public health/safety assessment area of the Napa County Drainage containing the proposed project and a maximum area to include all sites at which project-related impacts will occur.

NECESSITY

When projects are located in a Domestic Water Supply Watershed (DWSW) or near a Designated Scenic Road (DSR), the present rules do not require an evaluation area of proper size to adequately evaluate the impacts of the proposed project on the DWSW or DSR. Without this enhanced level of analysis, the quality of the water supplies serving approximately 70% of Napa County residents could be compromised and the tourist industry hurt.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Additional costs to plan applicants are associated with obtaining a standard information packet from Napa County based on the County's maps and information system available for use by applicants and its incorporation into the plan. Costs related to these activities are expected to be minor [2 to 6 hours (\$150-\$400 per plan)] for information collection and map preparation time. These initial costs are offset, at least in part, by a reduction in the amount of time spent responding to agency and/or public comments during the review process.

14 CCR § 946.3

Special Harvesting Practices [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

In addition to the provisions of 14 CCR §§ 913.1 and 933.1, this rule limits the use of clearcutting and alternative silvicultural prescriptions having the same aesthetic results as the clearcut silvicultural prescription in specific locations. Under subsection (a) and (b), the County proposes these prescriptions be prohibited within 200 feet of the high-water mark of a DWSR or within 200 feet of a DSR.

NECESSITY

The existing rules allow for clearcutting within close proximity to County DSRs and Domestic Water Supply Reservoirs (DSWR) and regeneration after harvest by direct seeding, planting, sprouting, or by natural seed fall. All of these methods require relatively long periods of time before the area returns to a state that is no longer visually obtrusive and where erosion rates approach pre-harvest levels.

Past clearcutting operations have resulted in a large public outcry over the manner in which timber harvest operations are occurring in the County; especially those operations

that are visible from commonly traveled roads. Limiting silvicultural systems and regeneration methods to systems that provide scenic buffers for the purpose of visual screening and residual trees for soil stabilization allow the goal of achieving maximum sustained production while minimizing impacts to designated scenic and sensitive watershed areas(14 CCR §§ 913.11 and 933.11).

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Costs to plan applicants are associated with assessing full range of silvicultural prescriptions appropriate to the site, obtaining a standard information packet from Napa County based on the County's maps and information system, and incorporating the information into the plan. Costs related to these activities are expected to be moderate [2 to 6 hours (\$150-\$400) per effected plan].

There will also be a potential loss of marginal revenue from the operation if clearcutting cannot be used in the 200 foot zone because no other prescription allows removal of all material. The loss will be a function of 1) the size of the restriction area, 2) the amount of material that can be removed using other silvicultural prescriptions and 3) the grade of the material harvested. The differential could be on the order of hundreds of dollars depending on the three factors above.

14 CCR § 946.4

Retention Standards and Re-Entry Periods [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The objective of the proposed rule is to provide standards enabling recovery of the site protection functions where sensitive domestic water supply facilities can be impacted. To accomplish this, the rule proposes specific harvesting limitations, re-entry period, and leave tree standards where timber operations are proposed in a DWSW to address re-occurring ground disturbance or vegetation reduction in addition to those specified in 14 CCR §§ 913.8 (a).

Under subsection (a) and (b), the County proposes for areas where the proposed harvest rate is 51-60% of the trees greater than 45.7 cm (18 in.) diameter breast height (DBH), a minimum re-entry period of 14 years. For area where the proposed harvest rate is less than 50 percent minimum, re-entry period shall be 10 years.

Under subsection (c) the County proposes no more than 40% of the trees greater than 35.6 cm. (14 in.) and less than 45.7 cm (18 in.) DBH be harvested.

NECESSITY

The FPA includes policies for creating and maintaining a system of timberland regulations which ensure that timberland productivity is maintained, enhanced and

restored where feasible. The FPA also addresses the goal of achieving maximum sustained production of high-quality timber products while giving consideration to environmental and economic values. However, the present FPRs derived from the FPA do not sufficiently address regulation of potential temporal re-occurring ground disturbing or vegetation reduction operations with respect to watersheds considered to be of elevated sensitivity in Napa County (i.e. DWSWs). With the potential for reoccurring timber operations concentrated in the County DWSWs, site recovery and stabilization following timber operations is extremely important. Although a given site does eventually recover following a given timber harvest, the success of recovery can be impaired if recovery periods are too short and do not allow for adequate regeneration and stabilization.

The conditions for re-entry take into consideration of Napa County's location on the extreme edge of the redwood range and the relatively low site index (soil tree growing capacity). Therefore, growth rates are relatively lower in Napa County, compared to other coastal counties with similar requirements, so a longer re-entry period may is

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Costs to plan applicants are associated with providing an accurate forest inventory to show the number of stems within the defined 14" – 18" category which must be retained under 14 CCR § 946.4 (c) and longer waiting periods between successive harvests as specified under 14 CCR § 946.4 (a) and (b).

Costs related to these activities are expected to be minor [1 hour acre (\$75hr/ac) per effected plan] for field preparation and survey work. Re-entry stipulation may save money as greater volumes may be taken in fewer operations, thus saving operational costs over the long run. On the other hand, revenues gained through the ability to re-enter in response to short-term market increases may not be realized.

14 CCR § 946.5

Log Hauling [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The proposed rule applies conditions for log hauling when necessary to prevent a serious hazard to traffic flow and safety or to prevent hazardous conditions that would endanger public safety. These conditions include restrictions or prohibition of log hauling on public roads or private roads during commute hours or during school busing hours [14 CCR § 946.4 (a)] and posting special traffic signs and/or flag persons [14 CCR § 946.4 (b)].

NECESSITY

The present FPRs do not provide standards for log truck operations either on-site or on any haul route roads. Three aspects of life in Napa County that are potentially impacted by log hauling and timber operations are rural tranquility, rural residential traffic and

tourist traffic. Additionally, road safety considerations for both the common motorist and truck operators are extremely important. Tourist traffic has a significantly greater volume on weekends and holidays and it is logical to reduce traffic associated with log hauling during these times. The rural residential traffic occurs during regular morning and evening commute hours and school-related trips. The proposed standards would provide additional public safety to all motorists.

For discretionary projects within Napa County, traffic restrictions of the similar spirit and intent have been imposed as conditions of approval or as mitigation measures when found necessary.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Costs to LTOs conducting timber harvesting operations are associated with hauling restrictions during permitted times and posting special traffic signs or warnings. Hauling restriction during the school busing times often conflict with the log hauling operations. Restrictions or prohibition of hauling during the 1-2 hours per day of school busing could result in increased transportation costs as the fixed costs of operating a log hauling business is capitalized over lessened daily amount of delivered logs (greater fixed cost per thousand board feet.). The potential loss due to increased transportation costs are not estimated, but widely vary depending on whether an LTO can utilize his transportation fleet elsewhere during restricted hauling periods, thus deferring hauling downtime. Cost related to posting notice on hauling operations is marginal or none if requirements only include sign posting. If flag persons are required, additional costs of \$100 to \$200 per day of log hauling are incurred.

14 CCR § 926.6

Flagging of Property Lines [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing flagging, in addition to other flagging requirements in Article 12, Subsection 4, 5 & 6 of 14 CCR where necessary to protect adjoining properties, of approximate property lines on the site where any truck road, tractor road or harvest area is proposed within 100 feet of a property line. The proposed rule amendment is intended to provide advance knowledge of the location of proposed timber operations roads to adjacent property owners in order to reduce potential conflicts regarding property boundaries and other issues.

NECESSITY

An increasing concern is residential population expansion into timberlands/forested lands and related timber harvesting operations that occur in close proximity to residential structures. Instances in which adjacent property owners allege the occurrence of trespass

and the taking of timber under an approved timber harvesting plan or encroaching timber operations on an adjoining owners' property are issues in Napa County.

The present FPRs provide no standards for identifying the proximity of timber operation roads and adjacent property boundaries. The flagging of residential property lines before plan submittal is necessary to provide adjacent property owners the opportunity and time needed to resolve disputes prior to commencement of timber operations. Flagging also furnishes the review team members with the necessary information needed to evaluate and address other health and safety concerns of adjacent property owners such as fire or other potential property damage.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The proposed rule will potentially affect only small portions the area of future timber harvest plans. The actual length of the proposed road adjacent to residential areas will rarely be within 100 feet of the residential property lines on an extensive basis, as roads are placed to take advantage of terrain, environmental limitation and economic needs of harvests, and not based on location of adjacent private land.

The cost to plan applicants or those conducting timber harvesting operations for field flagging is probably negligible since it is usually done anyway. Any need to refresh flagging for the purpose of maintaining visibility of flagging that may have deteriorated would cost approximately \$150 per plan.

14 CCR § 946.7

Soil: Timber Operation and Road Construction Debris Deposition [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing that the locations of the spoil/debris waste deposition areas are identified to ensure that no spoils are placed in areas on properties owned by others.

NECESSITY

The present FPRs provide minimal guidelines for off-site disposal of road waste or spoil material. Requiring the plan preparer to disclose the proposed placement and location of road construction spoils would ensure the location was appropriate, eliminating conflicts and impacts with adjoining property owners.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with providing additional information on

spoils disposal locations on maps. Minimal additional THP preparation time [2 to 4 hours (\$150 to \$250) per plan] is related to this rule.

14 CCR § 946.8

Performance Bonding [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing the LTO repair damage resulting from log hauling operations on County roads and appurtenant structures and, if requested, post a financial security in an amount not to exceed the actual damage. Under the rule if repairs are not made, the financial security would be forfeited.

NECESSITY

Population and agricultural land uses continue to expand into rural areas where infrastructure may be substandard. Full-scale timberland conversion and logging operations are occurring in areas never anticipated. Oftentimes, the roads in these areas are in marginal condition. Some roads are very narrow and overall inadequate to handle large equipment and machinery typically used for timber harvesting activities. Fully loaded, large log hauling trucks tend to need to use the shoulders of narrow roads, resulting damage to the road surface, roadside ditches/culverts and overall accelerated degradation.

To protect the County from incurring costs to repair damage, it is necessary to assign cost responsibility to those agents incurring extraordinary use and potentially damage either willfully or through negligence. The present Forest Practice Rules do not provide language to protect the County from incurring non-reimbursable extraordinary damage to public roads as a result of timber operations or log hauling, although the subject of bonding for the purposes of road protection is specifically mentioned in Section 4516.5(a) of the Z'berg-Nejedly Forest Practices Act.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Costs to LTOs conducting timber harvesting operations are associated with inspection of log hauling roads and appurtenant facilities for pre-existing damage and, if requested by Napa County securing a performance bond or dedicating working capital if a bond cannot be secured. Moderate levels of additional cost are related to this rule [2 to 8 hours (\$150 - \$500) per plan] for road inspection and financial security arrangement time. No estimate is made of the additional costs associated with securing a performance bond. Estimates of the total cost of the bond will vary based on the length and type of County road or structure being covered.

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing restrictions on the operation of power equipment, except licensed highway vehicles, for specific distances from any occupied dwelling on the lands of others. Operations are restricted to the hours between 7:00 a.m. and 7:00 p.m., and shall be prohibited on Saturdays, Sundays, and state and nationally designated legal holidays.

NECESSITY

Noise generated from timber operations can have an adverse impact on the quality of life of rural residents. Timber operations and subsequent conversion activities can produce levels of noise and dust that can impinge on everyday life when residents typically occupy their homes (before and after work, before and after 7 a.m. and 7 p.m.). The proposed rule is actually slightly less stringent than what is currently applied as a standard Condition of Approval for agricultural winery construction and use. The standard condition for noise states, *“Construction noise shall be minimized to the maximum extent practical and allowable under State and local safety laws. Construction equipment muffling and hours of operation shall be in compliance with County Code Section 8.16. Equipment shall be shut down when not in use. Construction equipment shall normally be staged, loaded, and unloaded on the project site. If project terrain or access road condition require construction equipment to be staged, loaded, or unloaded off the project site (such as on a neighboring road or at the base of a hill), such activities shall only occur between the hours of 8 AM to 5 PM. Exterior winery equipment shall be enclosed or muffled and maintained so as not to create a noise disturbance in accordance with the Code. There shall be no amplified sound system or amplified music utilized outside of approved, enclosed winery building”*.

For vineyard development applications, vineyard development and operation is regulated in a similar fashion if warranted by the Napa County Noise Ordinance in situation where sensitive receptors (residences, school, hospital, etc.) are located close enough to the project to warrant reducing noise resulting from operations.

The present F Practice Rules do not provide guidance regarding the hours of operation of equipment that has the potential to cause adverse on a substantial number of Napa County residents, although consideration of such a rule is a subject specifically mentioned in Section 4516.5 of the Z'berg-Nejedly Forest Practices Act

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

Costs to LTOs conducting timber harvesting operations under this rule are related to a reduction in hours of daily operations that could result in more days on each job. Minimal unquantified additional costs are expected relating to loss of some potential

revenues to the LTO resulting from a slight lessening of the number of jobs he can do in a single season.

14 CCR § 946.10

Tractor Yarding [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing the tractor roads to be used on slopes of 30% or more for timber operations located in a DWSW shall be intervisibly flagged, or otherwise designated on the ground prior to the Preharvest Inspection and prior to tractor road construction.

NECESSITY

The present FPRs do not provide adequate information to identify timber operations located on steep slopes that have the potential of adversely impacting resources considered to be sensitive by Napa County. In addition, in the case of timberland conversions, those uses subsequent to conversion involving vegetation removal, grading and earthmoving activities on slopes greater than 30% are subject to use permit approval by the County prior to the initiation of any such activity. The additional flagging will inform the County representative while in the field if subsequent land uses would require a Use Permit and/or Variance approval. If so, the County representative can inform the property owner, RPF and other members of the development team early in the process.

The added level of detail under the proposed rule would provide evaluation and consideration of the potential for sediment delivery to the watercourse system in the DWSWs. The over-steep terrain and geologic conditions that characterize portions of the County can require more information and consideration to adequately assess the results of destabilization that could occur when disrupting the natural terrain configuration by the placement of these roads.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants or those conducting timber operations are associated with identification of subject tractor roads and flagging them in the field. Minor additional THP preparation costs [(5 to 10 hours (\$350-\$700) per affected plan] for flagging and field inspections are associated with this rule.

Costs are also incurred for filing and review process for County use permit or variance before receiving THP/TCP approval, which is currently required after TCP approval. However, no additional time/cost is required for obtaining the County permit, as such a permit is already required under the County's current Conservation Regulations for the land use proposed subsequent to clearing.

14 CCR § 946.11

Watercourse Mapping [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing additional watercourse examination and mapping requirements for timber operations located within a DWSW, beyond those provide provided in 14 CCR §§ 916.4 (a) and 936.4 (a). The proposed rule requires an examination and map labeling of all watercourses, based on information provided by Napa County, in the DWSW assessment area.

NECESSITY

In general, existing rule 14 CCR § 916.4(a) and 936.4 (a) requires a field examination and subsequent mapping of all lakes and watercourses which contain or conduct Class I, II, III or IV waters. The existing rules do not specifically identify domestic water supply reservoirs (DWSW) as sensitive resources for examination and mapping. Requiring the additional level of mapping scope and detail to the watercourse classification will support the evaluation of the potential for sediment delivery to the watercourse system in DWSWs. With the watercourses so labeled, the impact evaluation process will be focused more intently on protection of the domestic water supply resource.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with gathering and examination of maps and researching and acquiring information over a considerably larger area then the area normally required by 14 CCR §§ 916.4 and 936.4. Moderate amounts of additional cost [(up to 24 additional hours (\$1600)] per effected plan of field and document preparation time are expected to be incurred by this rule.

14 CCR § 946.12

Domestic Water Supply Protection: Equipment Limitation Zones [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing additional equipment limitation zones (ELZ), and post harvest canopy and shrub cover requirements where timber operations occur in a DWSW for any Class III watercourse(s). Additional protection measures may also be required including surface cover retention, vegetation protection, and timber falling limitations.

NECESSITY

This rule is needed to provide additional protection to Class III domestic waters supply watercourses, which by definition have the ability to transport sediment, from impacts that could introduce sediment into the watercourse. Presently, rules do not make a specific distinction of watercourses that contribute to domestic municipal water uses nor

set minimum standards when these conditions occur. To provide the greatest protection available, this rule requires protective measures so no additional sediment beyond pre-project conditions occurs within the County's sensitive DWSWs.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants and those conducting timber operations are associated with limitations on timber removal techniques available near watercourse areas and reduction in harvest removals within required Class III ELZ's. These costs are minor, as slight increase in logging costs due to equipment use and movement limitations will occur. Losses of marginal revenue will also be incurred due to canopy maintenance requirement (reduction of harvest removals in ELZ). The loss will be a function of 1) the size of the restriction area, 2) the difference in the amount of material that can be removed using the silvicultural prescription planned and the amount removable under this restriction and 3) the grade of the material harvested. The differential could be on the order of hundreds of dollars depending on the three factors above.

14 CCR § 946.13

Reduction of Soil Loss [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing for Timberland Conversion Permits (TCP), mineral soil exceeding 100 continuous square feet in size that has been exposed by timber operations shall be treated for reduction of soil loss in areas that drain toward a Domestic Water Supply Watercourse or are within 150 feet of any Domestic Water Supply Watercourse.

Under subsection (a), the County proposes to exclude the travel surface of roads from this provision.

Under subsection (b), the County proposes to require soil stabilization treatments for any sized disturbed watercourse crossings area in Domestic Water Supply Watercourse and all Class I, II, III watercourses.

Under subsection (c), the County proposes specific protective measures for stabilization that may be required.

NECESSITY

Existing FPRs do not provide the additional protection specified in the proposed rule to all Domestic Water Supply Watercourses in a municipal domestic water supply reservoir (DWSR). Of particular concerns are the watercourses disturbed by timber operation conducted under a TCP where the converted land adjacent to watercourses will not be reforested. To provide the maximum protection to the domestic water supply facilities, the proposed rule adds treatment and vegetative cover to those exposed soils to provide

maximum sediment reduction and erosion control to a watercourse capable of transporting sediment.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants and those conducting timber operations are associated with the installation of soil surface stabilization measures in a greater number than required in existing rules. Minor additional costs [(\$250 to \$1,000 per plan)] in additional costs for materials and application are expected.

14 CCR § 946.14

Domestic Water Supply Protection [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing to require the CDF Director to consider mitigation additional measures where proposed timber operation may degrade a domestic water supply or a DWSR.

Under subsection (a) (1-4), the County defines conditions that degrade the function of a domestic water supply.

Under subsection (b), the CDF Director may require a post harvest evaluation of the mitigation measure effectiveness.

NECESSITY

The existing rules (14 CCR §§ 916.10 [936.10] and 1032.10) require protection of domestic water supply through examination of mitigations and solicitation of information regarding domestic use that could be adversely impacted. Existing rules may not include evaluation of the impacts in the entire to DWSWs if they are beyond distance limits set in existing rules.

With the number of timber harvest and conversion operations occurring within DWSWs that provide water to over 70% of the County's residents, it is necessary for the County to have added focus on protecting the watershed conditions that are relied upon for provided safe drinking water. Furnishing expanded analysis of DWSRs will provide the Director additional information to consider for mitigation necessary to protect domestic watercourses.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with gathering information on the subject domestic water supplies and reservoirs and evaluation of plan's effect on its function.

The cost for this are minor [(2 to 4 hours (\$130 - \$260)] for additional THP preparation and information distribution time, and 1 - 2 hours for contacts with the local water purveyor.

14 CCR § 946.15

Biotic Resources [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing requiring in THPs and TCPs information pertaining to locally unique plant communities, animal species, and sensitive habitats as provided by Napa County, using information contained in the Napa County's Environmental Resource Mapping System.

NECESSITY

The existing rule 14 CCR § 1034(w), does not cover species, communities or populations of plants and/or animals that are important to the character of Napa County. This rule attempts to require consideration of those species that are not listed on state level but are unique or rare on a localized level and add to the character of Napa County.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with gathering information and undertaking of additional research on locally unique species at the County level and inclusion of added descriptions in the THP/TCP documents. Costs are expected to be minor [5 to 10 additional hours (\$350 to \$700) per plan] to provide additional information and carry out necessary coordination.

14 CCR § 946.16

Road Construction [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing rule provisions to help lessen the impact of logging roads on resources deemed sensitive by the County. Subsection (a), requires a map and explanation of how new road construction proposed within a DWSW or within 200 feet of a DSR is integrated into the existing truck roads and associated transportation system for all the contiguous property owned or controlled by the plan submitter. This allows for the consideration of utilizing existing roads as opposed to creating new roads that would result in unnecessary vegetation removal, grading and earthmoving activities.

Under subsection (b), the County is proposing that new roads be planned to stay out of Watercourse and Lake Protection Zones.

Under subsection (c) the County is proposing, for TCPs, the construction of tractor roads or logging roads on slopes of 30% or greater shall not commence until a use permit or variance has been approved by Napa County.

NECESSITY

No rule exists that covers integration of proposed project roads with roads on other properties of similar ownership where resources are considered to be sensitive (DWSW or DSRs) by Napa County. If existing roads within the project area or on adjacent property owned by the applicant are capable of supporting a given timber operation, then every effort should be made to minimize additional earth disturbance and vegetation removal through the utilization of existing roads where feasible.

With regard to scenic resources, every effort should be made to ensure additional road cuts are not located in areas where they may be visually obtrusive visible from DSRs.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with expansion of mapping and descriptions of new roads in the THP/TCP package. Minimal additional costs (2 to 4 hours) are expected for added map production and provisions of expanded information in the documents.

14 CCR § 946.17 Design of Drainage Structures and Watercourse Crossings **[Napa County]**

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing design preference be given for drainage structures and watercourse crossings less prone to failures that could result in increased sediment delivery to the watercourse system (such as bridges and rocked fords).

NECESSITY

The FPRs do not state a preference for non-culverted water crossing structures that emphasize open design when water quality issues are of heightened importance. It is generally accepted that non-culverted drains and watercourse crossings are less susceptible to plugging and failure over extended maintenance periods. In all cases, especially within DWSW's, Napa County encourages the use of watercourse crossing design alternatives that minimize the possibility of failure that may ultimately result in delivery of large amounts of sediment and debris into the watercourse system entering DWSW's.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with consideration of crossing designs other than culverts that may result in decreased maintenance requirements in subsequent time periods and on-the-ground installation of the proposed structure. Minor costs [4 additional hours (\$150-\$250) per effected plan] are related to initial design work. Costs related to purchasing and installing each crossing may be less than, similar to, or several times greater than that of a culvert depending on the alternative crossing design selected. This increased cost is offset in part by the fact that field implementation may require equal or even less time and annual maintenance costs are expected to be substantially less.

14 CCR § 946.18

Maintenance Period [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing to extend the required maintenance period for erosion controls on permanent and seasonal roads and associated landings and drainage structures to three years.

NECESSITY

In instances where heightened water quality sensitivities occur, the one-to-three-year range for the maintenance period under (existing rules) allows for too much risk given the climatic cycles which characterize Napa County.

In the case when operations are proposed within DWSW's, the domestic water supply must be protected with a period of maintenance that covers the time period when roads, and drainage control structures, typically become stable and no longer pose a high threat of instability, erosion and sedimentation. The existing rule provides for a minimum of one to a maximum of three-year maintenance period. It has been the experience with road maintenance and stabilization in Napa County, that a maintenance period beyond one year is necessary to ensure a particular road is actually stable and no longer a strong threat for erosion and sedimentation. Road stabilization is especially important when timber operations are proposed on steep slopes. Furthermore, road stabilization is especially important within DWSW's so that the domestic water supplies are protected to the maximum extent feasible.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants or those required to maintain the erosion control systems following timber operations are associated with the continuation of maintenance actions over a maximum of 2 additional years beyond existing requirements. Costs incurred for

this are expected to be moderate [(10 to 20 additional hours (\$650 to \$1300) per plan] for additional inspections over a 2 year period.

14 CCR § 946.19 **Domestic Water Supply Protection: Road Maintenance [Napa County]**

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing to prohibit the use of oil or salt-based soil stabilizing agents used to stabilize un-paved road running surfaces when timber operations are sited within a DWSW.

NECESSITY

Existing rule language does not address the potential pollution resulting from the use of soil stabilizing materials (for dust abatement and travel surface macadamizing) in proximity to watercourses feeding into DWSRs.

In the case when operations are proposed within DWSW's, the DWSRs must be protected from pollution that could occur in cases where chemical, or petroleum, based surface stabilizers could be transported into the watercourse system feeding a DWSR.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to LTOs are associated with restricting methods to dust control that are normally used. Minimal additional costs are expected, as alternate products may be more expensive to purchase, particularly if water is not available for dust abatement.

14 CCR § 946.20 **Plan Submittal and Notice of Intent [Napa County]**

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing under this rule for the plan applicant to prepare and submit a Notice of Intent to Harvest Timber (NOI) that includes additional specific information about the planned operation, compared to existing rules [in lieu of CCR 14 § 1032.7 subsections (c), (e), (f) and (g)].

Under subsection (a), the County is proposing to include in the NOI a statement about flagging property boundaries near logging roads, tractor roads or harvest areas within 100 feet of the timber owner's property line [subsection (a) (1)]; distance of operations to the

nearest Napa County Drainage (NCD) watercourse contributing to DWSRs [subsection (a) (2)]; and a map of proposed locations of helicopter operations [subsection (a) (2)].

Under subsection (b), the County is proposing the plan applicant provide to the CDF the names of owners within 300 feet of the plan, those along the haul route, and those within 3000 feet of helicopter operations.

Under subsection (c), the County is proposing the additional distribution of the NOI, compared to existing rules. The plan submitter will mail NOI copies to those specified under 14 CCR § 946.20 (b) above, the Board of Supervisors [subsection (c) (1)], and any local publicly-owned water district or community water system with water operations downstream from timber operation [subsection (c) (2)]. Additional notification requirements include posting a copy of the NOI at conspicuous locations, and circulating a brief synopsis in a local paper.

Under subsection (d), the County is proposing that the plan applicant certify that that a new NOI is sent to the same parties as in subsection (b) and (c) above when plan amendments or changes to silvicultural methods are made.

Under subsection (e), the County is proposing that the plan applicant include to those receiving the NOI, general information of the review process and rights of adjacent owners.

Under subsection (f), the County is proposing the RPF shall simultaneously file with the CDF any notice of deviation given to the plan submitter or landowner required under Public Resources Code section 4583.2.

Under subsection (g), the County is proposing the plan applicant redistribute the NOI when helicopter operations are conducted in a season different from the time the plan was proposed.

NECESSITY

The existing rule does not require distribution of the NOI to agencies or individuals in the County who have primary responsibility for conserving the resources in their charge nor do such notices include information regarding operational impacts that could be detrimental to the sensitive resources in Napa County. Moreover, the existing rules do not disclose the proximity of the timber operation to the domestic water supply reservoir or its contributing watercourses.

The receipt of the NOI would advise the CDF of the initiation of a review period of operations in sensitive areas and allow for the earliest opportunity for participation. In an effort to keep current on these issues, the County needs access to information on projects that potentially can change the natural resource base of the County prior to the issuance of a required permit.

The receipt of the NOI would also advise the citizens described in Objective 3. of the PUBLIC PROBLEM, ADMINISTRATIVE REQUIREMENT, OR OTHER CONDITION OR CIRCUMSTANCE THE REGULATION IS INTENDED TO ADDRESS, stated above, whose health and safety are related to adjacent timber operations.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with collection of the additional material required to be included in the Notice of Intent and to make the required broader noticing and material distributions. Costs related to this are moderate [(8 to 12 additional hours (\$500 to \$800) per plan] and include conducting research, providing application information, and carrying out the required expanded noticing and distributions.

14 CCR § 946.21 Domestic Water Protection: Request for Information [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing the plan applicant to mail notice by letter to any water purveyor(s) in the DWSW when operations are within the DWSW.

NECESSITY

Present rule does not require plan applicant to gather information about domestic water uses greater than 1000 feet downstream of the proposed operation. This does not allow for identification, and thus consideration, of sensitive municipal domestic water supplies that may be more than 1000 feet downstream. Furthermore, the water purveyor is not notified at the onset of the project development.

For projects within a DWSW, Napa County Code (Chapter 18.108.027, Conservation Regulations) requires notification of the water purveyor of the watershed for which the project resides. The intent of the notification is to obtain information and knowledge of the watershed from experts that operate the facility and manage the overall watershed. The operators can often provide an RPF a local knowledge of the system, pointing out any sensitive or problem areas. Furthermore, the requirement to provide mapped location information will permit better assessment of potential impacts and examination of potential mitigation approaches.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with identification of municipal water supply reservoir(s) and water purveyor(s) involved within the DWSW of the plan boundaries

and distribution of notice to water purveyor(s). Minimal costs (1 to 3 additional hours per plan) are incurred for identifying reservoir and water purveyor(s) involved and making the necessary additional distribution.

14 CCR § 946.22

Contents of Plan: Plan Area Description [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing the plan applicant to provide information, in addition to the requirements 14 CCR § 1034 (g), on the description of the plan area relative to watershed and drainage names that are consistent with information used by the County to assess any domestic water interactions with the plan. The additional content includes the Napa County Drainage name(s) [subsection (a)], the DWSW name(s) [subsection (b)], and distances to nearest watercourses [subsection (c)].

NECESSITY

Present rules do not require plan applicant to gather information specifically about municipal water uses within the plan area nor the watercourse elements associated with the supply facility. This does not allow for adequate identification, and thus consideration, of sensitive municipal water supply facilities that may be impacted by the operation.

The proposed rule adds to the list of required contents information regarding the location of a project relative to a municipal water supply reservoir and its contributing watercourses. The protection of municipal water supply facilities is a major concern in Napa County. In an effort to keep current on this issue, the County needs access to information on projects that can potentially change the natural resource base prior to the issuance of a required permit. Regardless of the distance to DWSW, the resource and associated facilities warrant consideration so that potentially significant impact can be addresses and mitigated if necessary. This information needs to be included as content in the THP in order to properly assess potentially significant impacts to domestic water supply reservoirs.

Napa County will provide digital mapping of all Class I-III watercourses as a component of a large countywide resource mapping project. These maps will be made readily available to the public upon the completion of the mapping system, and will aid in efficiently complying with this rule, in addition to other existing FPR's outside of the County's proposal.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated obtaining necessary watershed information from Napa County and its inclusion in THP/TCP application. While this additional work

is estimated a minimal cost [1 to 3 additional hours (\$50-\$200) per TCP] for research and material preparation, the work is the same information as that required under 14 CCR § 946.2. Assessment Areas and no additional cost will be incurred.

14 CCR § 946.23
County

Contents of Plan: Mapping Requirements [Napa

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing the plan applicant to provide information, in lieu of the requirements 14 CCR § 1034 (x), on the description of specific details within the THP area. New requirements of this rule, compared to existing rules, include detailed mapping where TCPs are involved; preferences for preparation of mapping in digital formats; and, when the plan area is in a DWSW a series of maps at a detail sufficient to assess site specific impacts on water quality and vegetation cover and the project area relative to DWSR.

Other additional new mapping requirements include the DSRs within ½ mile of the plan area [subsection (1)], location of all watercourse crossings for all classes of watercourses [subsection (7)], and labeling of all watercourses in a DWSW with the annotation "DWS" [subsection (9)].

NECESSITY

Present rules do not require the plan applicant to obtain information about municipal water uses or visual resources within the plan area or the associated assessment areas. This lack of information may not allow for identification, and thus consideration, of sensitive municipal water supply facilities or DSRs that may be impacted by a given operation.

The protection of municipal water supply facilities and the visual character is a major concern in Napa County. The County needs access to information on projects that can potentially change the natural resource base prior to the issuance of a required permit. Regardless of the distance to DWSW, the resource and associated facilities warrant consideration so that potentially significant impact can be addressed and mitigated, if necessary. This information needs to be included as content in the THP in order to properly assess potentially significant impacts to domestic water supply reservoirs and scenic resources.

**EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE
ECONOMIC IMPACT ON ANY BUSINESS**

The costs to plan applicants are associated with obtaining necessary watershed information from Napa County, production of additional and more detailed maps for inclusion in the THP/TCP packet, and conversion of paper maps into standard electronic

format. These additional tasks are estimated to have minimal incremental costs [1 to- 3 additional hours (\$50-\$200)] for research and map preparation. Additional expenditures may be required by the RPF for computer systems and software or purchase of computer time and services which on a pro-rata basis will be passed onto the applicant in higher hourly costs or direct costs and should be only a few hundred dollars at most per plan.

14 CCR § 946.24 Registered Professional Forester Responsibility [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing the RPF associated with the plan be retained throughout the operations until the Notice of Completion is approved by the Director, and oversee specific activities related to the plan when a plan is located in DWSW. This requirement is in addition to existing rule provisions of 14 CCR § 1035.1 (a). Additionally, the provisions of 14 CCR § 913.8 (b) (5) will apply.

NECESSITY

The existing rules do not require the principal author of the THP, and general resource professional, to be present during potentially critical periods in the operation. They also do not condition this requirement on relative sensitivities of the resources involved.

Napa County believes it is necessary for the plan preparer to meet with the timber operator (LTO) to assure resources sensitivities are properly communicated and understood among the members of the development team and to ensure all required mitigation measures are properly implemented.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with employment of a RPF to oversee harvesting operations and other components of the plan. The costs related to this work are substantial [(40 to 60 additional hours (\$2,600 to \$4,000) per effected plan] for RPF time to oversee operations until complete.

14 CCR § 946.25 Notice of Filing: Distribution [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing, in addition to the provisions of 14 CCR § 1037.1, the CDF Director distribute the Notice of Filing to the County Planning Director and the affected local Water Purveyor(s) if the project is sited within a DWSW.

NECESSITY

The present rule does not provide for distribution of the Notice of Filing of the THP to responsible agencies for the purpose of evaluation and consideration of potentially significant impacts resulting from the proposed operations. The proposed list of recipients includes those agencies and districts having jurisdiction over resources that may be potentially impacted by changes in the resource base resulting from the operation. The additional noticing requirements are necessary in order for Napa County and water purveyors to plan for and respond to potentially significant impacts associated with the proposed operations prior to those actions taking place.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are not direct costs associated with the additional distribution of the Notice of Filing as other local rules proposed by Napa County (14 CCR § 946.2 Assessment Areas) identify the Water Purveyor(s) within the DWSW where the plan is located.

14 CCR § 946.26

Review Teams to be Established [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing, in addition to the provisions of 14 CCR § 1037.5 (a), a representative of the Planning Department will be part of the THP review team.

NECESSITY

The present rule does not specifically require the inclusion of a Napa County representative on the review team. CDF currently invites a Napa County representative to attend all pre-harvest inspections and become a member of the review team. However, it is not specifically required under the FPRs. The intent of this rule is to specifically require County notification.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to plan applicants are associated with the RPF responding to additional review comments. The costs related to this work are minimal [(1 to 3 additional hours (\$50-\$200) per plan] for comment responses and preparation.

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing, in addition to the provisions of 14 CCR § 1037.10(a), an option for the CDF Director to waive or shorten the Review Period time if there are no timber operations or related activities occur within a DWSW [subsection (a)], no timberland conversions operations on slopes greater than 30% [subsection (b)], no timber operations are proposed within an ELZ [subsection (c)], and no timber operations or related activities visible within 2000 feet of any DSR [subsection (d)].

Additionally, under subsection (e), the County is proposing the Director may approve the THP immediately (for the purposes of protection of public health and safety, or the environment) but only after consulting with the Planning Director.

NECESSITY

The present rule does not allow the Director to deny waiving a shortening of the permit process for reasons of proximity of operation to a DWSW/DWSR, any of its contributing watercourses, or a DSR.

The protection of domestic water supply and the visual character are of major concern in Napa County. Shortening the permit consideration period may result in final decisions without adequate assessment of the impacts to these sensitive resources. Napa County feels that any shortening of the permit process through a waiver when these particular resources are in close proximity to operations may be inappropriate.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are not direct costs associated with additional consultation and making the determination of review period waiver, as the information needed for this decision by the CDF Director has already been provided by the plan applicant as part of the other local rules proposed by Napa County (14 CCR § 946.2 Assessment Areas).

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing, when timber operations are conducted under the provisions of 14 CCR § 1038.2 and exempt from a THP, the plan applicant will provide additional mapping information related to DWSWs and DSRs.

NECESSITY

The present rule does not request geographic location information specific to municipal water supply facilities or scenic roads, two resources important to Napa County, as part of the information needed to be filed for actions exempt from a THP under the provisions of 14 CCR § 1038.2.

The proposed rule adds to the list of required content, 1) information regarding the location of a project relative to a municipal water supply reservoir and its contributing watercourses, and 2) information relative to DSRs. The protection of municipal water supply facilities and the visual character is a major concern in Napa County. In an effort to keep current on this issue, the County needs access to information on projects that can potentially change the natural resource base prior to the issuance of a required permit. Regardless of the distance to DWSW, the resource and associated facilities warrant consideration so that potentially significant impact can be addressed and mitigated if necessary. This information needs to be included as content in the THP in order to properly assess potentially significant impacts to domestic water supply reservoirs and scenic resources.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to exemption applicants are related to obtaining standard information packet from Napa County and preparation of additional map requirements. The cost of this work task is minimal [1 to 3 additional hours (\$50-\$200) per exemption form].

Note: this information is normally done for THPs as required by the other local rules proposed by Napa County (14 CCR § 946.2 Assessment Areas). Since a THP is not required for exempt timber operations, this cost is unique to exemptions and is not an additional cost to those submitting THPs.

14 CCR § 946.29

Emergency Notice: Mapping [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

Under 14 CCR § 1052 (a), Emergency Notice, before cutting or removing timber on an emergency basis, an RPF shall submit a Notice of Emergency Timber Operations to the Director. The County is proposing under this rule to require additional mapping requirements as part Notice of Emergency Timber Operations. These mapping requirements apply where timber operations are within a DWSW, or are visible within 2000 feet of a DSR. They require a map annotation “DWS” on watercourse classifications and DSRs to be identified.

NECESSITY

The present rule does not request geographic location information specific to domestic water supply facilities or DSRs, two resources important to Napa County which can be impacted by timber operations as part of the Notice of Emergency Timber Operations.

The protection of municipal water supplies and the visual character are major issues in Napa County. Even under the emergency process, Napa County land managers need greater information when water quality and visual resources are involved. The addition of more extensive map coverage showing the spatial relationship between the proposed operation and the DWSR facilities and the DSRs will allow for improved assessment of operational impacts.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to those conducting operations under an Emergency Notice are related to obtaining standard information packet from Napa County and preparation of additional map requirements. The cost of this work task is minimal [1 to 3 additional hours (\$50-\$200) per Emergency Notice].

Note: this information is normally done for THPs as required by the other local rules proposed by Napa County (14 CCR § 946.2 Assessment Areas). Since a THP is not required for timber operations conducted under an Emergency Notice, this cost is unique to Emergency Notices and is not an additional cost to those submitting THPs.

14 CCR § 946.30

Emergency Notice: Waiting Period [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing additional requirements before the Director can waive a waiting period for commencement of timber operations pursuant to an Emergency Notice. The additional requirements include the waiting period shall not be waived when the proposed operation is located within in a DWSW or is visible within 2000 feet of a DSR. In addition, the County is proposing a copy of the Emergency Notice and Notice of Acceptance be sent to the Planning Director.

NECESSITY

The present rule does not provide for distribution of notice of a pending operations conducted under Emergency Notices that can have significant adverse effects on both water quality and scenic values to the County of Napa.

The protection of municipal water supplies and the visual character are major issues in Napa County. Even under the emergency process, Napa County land managers need

greater information when water quality and visual resources are involved. The addition of more extensive map coverage showing the spatial relationship between the proposed operation and the DWSW facilities and the DSRs will permit better assessment of operational impacts.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to those conducting operations under an Emergency Notice is associated to delay in harvesting for up to 5 working days, if the waiver of time is not granted. This could result in unrealized profits due to deterioration of timber for operations related to salvaging dead dying trees or other timber described in 14 CCR § 1052.1, Emergency Conditions.

14 CCR § 946.31 Conversion Exemptions: Distribution of Notice of Conversion Exemption [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

Under existing rule 14 CCR 1104.1 (a) (1) A Notice of Conversion Exemption Timber Operations (Conversion Exemption), a notice must be prepared by an RPF and submitted to the Director. The County is proposing, in addition to the notice submission to the CDF Director, the notice will be submitted to the Planning Director.

NECESSITY

The existing rule does not specifically require an RPF to distribute the Notice of Conversion Exemption to the Planning Director. The proposed rule would specifically require notification to the Planning Director. The notification is a current practice, but it is not specifically required. The proposed rule would provide for this specific requirement and is needed in order to properly assess potentially significant impacts to sensitive resources.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The Board staff estimated that there are not direct costs associated with additional notice mailing.

14 CCR § 946.32 **Conversion Exemptions: Mapping Requirements [Napa County]**

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing, in lieu of the provisions of 14 CCR § 1104.1 (a)(1)(C) for mapping requirements for conversion exemptions, mapping information at specified scales [subsection (a) and (b)], mapping locations of DSRs, and mapping the general location of the operation relative to the DWSRs. These items are additional mapping requirements, compared to the existing rule.

NECESSITY

The existing rules place too much focus on the analysis of conditions within the boundaries of the applicant's property and do not allow for adequate geographic location information to support a cumulative effect analysis for an operation that results in changes to the resource base that are considered to be significant. In circumstances where the conversion is contained within a sensitive domestic water supply watershed this is especially too narrow a focus to protect the water quality.

The requirement for additional “nested” mapping sequences and detail contained within the descriptions would form a more complete and visually understandable basis for assessing impacts, especially cumulative, of the conversion. Conversions from conditions of continuous vegetation of complex structure to other uses will result in significantly different visual appearances and site protection. These changes are especially of interest when they take place in the proximity of a DSR with high scenic quality or in DWSW where protection of the soils from erosion and/or the quality of water flowing into the DWSR is a major concern.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to those submitting information for conducting operation under a Conversion Exemption are related to obtaining standard information packet from Napa County and preparation of additional map required. The cost of this work task is minimal [(1 to 3 additional hours (\$50-\$200) per Conversion Exemption)].

Note: the collection of this information is normally done for THPs/TCPs as required by the other local rules proposed by Napa County (14 CCR § 946.2 Assessment Areas). Since a THP is not required for timber operations conducted under Conversion Exemptions, this cost is unique to Conversion Exemptions and is not an additional cost to those submitting THPs.

14 CCR § 946.33 Conversion Exemptions: Project Description [Napa County]

SPECIFIC PURPOSE OF THE REGULATION

The County is proposing, in addition to the provisions of 14 CCR § 1104.1 (a)(1)(E) relating to a statement of intention for conversions, disclosures of actions and needed infrastructure associated with post conversion operations.

NECESSITY

The existing rule [14 CCR § 1104.1 (a)(1)(E)] requires only the naming of the subsequent use; not the provision of operational details associated with this use. Even on a small parcel of 3 acres or less, the potential impacts resulting from the operations associated with this subsequent use can be significantly detrimental to the resource base. Without a detailed description of the specific actions required for the installation of the resources elements and infrastructure and subsequent operations, there is not a firm base for identifying the complete set of possibly deleterious impacts nor the potential beneficial results realized from mitigations included in the operations.

The actions required in conversion to a non-forestry use, even for a parcel as small as 3 acres, will result in significant changes to the appearance of the project area and can result in a significant change in the functional ability to protect water quality. The level of detail requested in the proposed rule change will provide an improved basis for assessing the direct and indirect cumulative impacts of the entire project. As impacts to visual/aesthetic resources and water quality are generally more associated with indirect and cumulative types of impacts, this expanded information base is necessary to protect these unique resources that are of vital to the public health, safety and welfare of the residents of Napa County.

EVIDENCE SUPPORTING FINDING OF NO SIGNIFICANT ADVERSE ECONOMIC IMPACT ON ANY BUSINESS

The costs to those submitting information for conducting operations under a Conversion Exemption due to this rule are related to preparation of an expanded project description. Minimal additional costs are expect [5 to 10 additional hours (\$300-\$650)] to gather information and prepare the description required.

Note: This cost is unique to Conversion Exemptions and is not an additional cost to those submitting THPs.

TECHNICAL, THEORETICAL, AND/OR EMPIRICAL STUDY, REPORTS, OR DOCUMENTS

The Board relied on the following technical, theoretical, or empirical studies, reports or documents in proposing the adoption of this regulation as referenced in this *Statement of Reasons*:

1. CDF, Monitoring Study Group. Hillslope Monitoring Program: Monitoring Result from 1996 through 2001. California Department of Forestry and Fire Protection, The Resources Agency, State of California, December, 2002.
2. Census 2000. United State Bureau of the Census
3. Napa County Ordinance No. 1219. re. domestic water supply watershed. March, 2003.
4. Napa County Ordinance No. 1221. re. stream setbacks and floodplain management. April, 2003.
5. Napa County Ordinance No. 1199. re. operations and uses in stream setback zones. June, 2002.
6. Napa County Ordinance No. 1189 re. viewshed protection and scenic roads. December, 2001.
7. Comprehensive Water Service Study: Public Workshop Draft. LAFCO of Napa County, undated draft.
8. 100-Year 24-Hour Precipitation for California, United State Department of Commerce/NOAA, December, 1972.
9. 2-Year 6-Hour Precipitation for California, United State Department of Commerce/NOAA, December, 1972.
10. Napa Valley Unified School District, School Bus Transportation Division, June, 2003.
11. Napa County Agricultural Commissioners Office, June 2003
12. Information Center for the Environment (ICE)- UC Davis, 1993 Base Data Version 0.81, 2003
13. CalVeg Vegetation, Parker and Matyas, 1977 Landsat Data.
14. Napa Valley Conference and Visitors Bureau, 2003. <http://www.napavalley.org/>

15. Soil Survey of Napa County California. United States Department of Agriculture, Soil Conservation Service
16. Napa County Proposed Local Forest Practice Rules, June 2003.
17. Potential Costs of Regulations, Napa County Proposed Local Forest Practice Rules, Jones and Stokes, June 2003.
18. CDF Forest Practice System Database Query, December 2003.
19. Vineyards in the Watershed, Julianne Poirier Locke, Napa Sustainable Wine Growing Group, 2002
20. Articles from the Napa Valley Register, 2003
21. Napa County Drainage Layer, as depicted in the Napa County GIS, 2003

Pursuant to Government Code § 11346.2(b)(6): In order to avoid unnecessary duplication or conflicts with federal regulations contained in the Code of Federal Regulations addressing the same issues as those addressed under the proposed regulation revisions listed in this *Statement of Reasons*; the Board has directed the staff to review the Code of Federal Regulations. The Board staff determined that no unnecessary duplication or conflict exists.

PROPOSED TEXT

The proposed revisions or additions to the existing rule language is represented in the following manner:

UNDERLINE indicates an addition to the California Code of Regulations, and

~~STRIKETHROUGH~~ indicates a deletion from the California Code of Regulations.

All other text is existing rule language.

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